

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 72825

Ndubuisi U. Iwuoha
P O Box 11969
Baltimore MD 21207

6742 A Windsor Mill Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on May 26, 2010 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 35-2-404, failure to repair/replace defective fence, failure to cease open dump on residential property known as 6742 A. Windsor Mill Road, 21207.

On May 4, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Christina Frink issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$600.00 (six hundred dollars).

The following persons appeared for the Hearing and testified: Ndubuisi U. Iwuoha, Respondent and, Christina Frink, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on January 25, 2010 for removal of open dump/junk yard, remove trash and debris, repair defective fence. This Citation was issued on May 4, 2010.

B. Inspector Frink testified that multiple inspections found a board fence in disrepair, with sections lying on the ground. Photographs in the file show sections and boards scattered in the rear yard. Photographs also show junk and debris in the yard including household items, plywood, and trash. Re-inspection on May 25, 2010 found the junk and debris mostly cleaned up but fence sections still lying in the yard. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310. Respondent is not required to have a fence on this property, but if a fence is present it must be in good repair. Respondent is required by law to maintain the exterior of this investment property at least in conformance with county code standards. BCC Section 35-2-404.

C. Respondent Iwuoha testified that his tenant moved out unexpectedly without telling him and that he did not receive the first notice. He testified that he will correct the violations. Because compliance is the goal of code enforcement, and this property does not have a prior history of violations, the civil penalty will be rescinded if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by June 30, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 3rd day of June 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.